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- PROPOSED COURT OF ARBITRAL JUSTICE, THE. *James Brown Scott*. 2 Am. J. of Int. L. 772.
- RIGHT OF STOCKHOLDERS TO NEW STOCK, THE. *Frederick Dwight*. Arguing that the doctrine sustaining the right has been extended too far. 18 Yale L. J. 101.
- RIGHTS OF A TRAVELER TO USE HERE ARTICLES MADE AND PURCHASED ABROAD BUT PATENTED HERE. *Dwight B. Cheever*. 7 Mich. L. Rev. 226.
- SOME ASPECTS OF BUSINESS BY TELEGRAM. *W. F. Chipman*. Dealing with creation of contract relations by telegram. 28 Can. L. T. & Rev. 817.
- SOME HISTORICAL MATTER CONCERNING LITERARY PROPERTY. *Edward S. Rogers*. 7 Mich. L. Rev. 101.

II. BOOK REVIEWS.

HISTORY OF THE ROMAN-DUTCH LAW. By J. W. Wessels. Grahamstown, Cape Colony: African Book Company, Limited. 1908. pp. xv, 791. 8vo.

The prevalence of Roman law in South Africa furnishes a curious and striking illustration of the far-reaching influence of ancient Rome. The law of Holland, then in large measure Roman, was carried to the Cape of Good Hope by the colonists of the seventeenth century and established itself so firmly that it continued in force after the English conquest and was in course of time officially adopted in Natal, the Transvaal, the Orange Free State, and Southern Rhodesia. As Holland had no code in the period before the loss of its African colonies, the law had for the most part to be sought in the writings of the great Dutch jurists of the seventeenth and eighteenth centuries; but in case of doubt the *Corpus Juris Civilis* was the ultimate resort, and as recently as 1901 an appeal from Natal to the Judicial Committee of the Privy Council involved the interpretation of a passage in the *Digest*. But while a certain amount of continuity is thus preserved, the Roman-Dutch law is in an isolated position. It is no longer a living force in Holland, where the new code came into force a century ago, so that it lacks such external support as the civil law in Quebec receives from France, and the forces of legal development inevitably favor English law. Not only has the English law of evidence been introduced, but the influence of English decisions, imperial legislation, and barristers with an English training, works strongly against the Dutch tradition. In many respects this state of affairs has tended to produce confusion, and Judge Wessels complains of "the heterogeneous mass of legal systems" now prevalent in South Africa and pleads for a more scientific adjustment of conflicting principles.

A body of law fed from such streams has naturally an interesting history, some knowledge of which would seem essential to a thorough understanding of present conditions, and Judge Wessels tells us that it was the general ignorance of such matters on the part of practitioners that led him to write the articles for the *South African Law Journal* which have grown into the present volume. The work falls into two parts, one dealing with the general development of Roman-Dutch law, the other treating historically the more significant topics. Such a book cannot, especially for the earlier period, be expected to rest in any considerable degree upon original investigation, and while some use has been made of modern manuals such as those of Brunner and Schröder, too much reliance is placed upon older Dutch and Belgian writers, so that many of the statements respecting the law of the Middle Ages are open to serious question. The treatment is often scrappy and does not always bring out sufficiently the most significant points. The modern portions are better, and the task as a whole was worth attempting, even if it could not be carried out with the full equipment of the scientific student of historical jurisprudence. The book should teach the lawyers of South Africa some valuable lessons concerning the long and honorable history of their legal system. C. H. H.

THE LAWS OF WAR ON LAND (WRITTEN AND UNWRITTEN). By Thomas Erskine Holland. Oxford: At the Clarendon Press. 1908. pp. viii, 149. 8vo.

The principal written laws affecting the conduct of war on land may be found in the proceedings of international conferences at St. Petersburg in 1868, at

Geneva in 1906, and at The Hague in 1899 and 1907. These rules, with a few significant but relatively unimportant exceptions, have been accepted by the great majority of civilized nations and, supplemented where necessary by the general principles of international law, furnish material for a complete code. For this purpose these written rules or acts of the conferences are particularly adaptable, as they have uniformly been drawn in terse, concise language and framed in numbered paragraphs or articles. To assemble such a code has been the aim of the author.

The code as drawn consists of one hundred and thirty-nine articles. The first fifteen are all rules of the author gathered under the title of "General Principles." The fact that only ten others are drawn by the author is evidence of the completeness of the work of these conferences.

The Hague Convention No. iv of 1907 "Respecting the Laws and Customs of War on Land," together with the *Règlement* or Regulations annexed to it, forms the backbone of the author's code. To it is prefixed The Hague Convention No. iii of 1907 "Relative to the Commencement of Hostilities," and affixed, The Hague Convention No. v of 1907 "Concerning the Rights and Duties of Neutral Powers and Individuals in Case of a War on Land." The Convention of Geneva of 1906 "For the Improvement of the Condition of the Wounded and Sick in Armies in the Field," the St. Petersburg Declaration of 1868 and the three Hague Declarations, one of 1907 and two of 1899, are inserted at the logical places among the articles taken from The Hague Regulations of 1907.

While the author's articles are not unimportant, the value of the book lies, as will have been seen from the above statement, largely in the coördination of these various detached diplomatic acts. There is, however, an additional feature which must not be disregarded. To by far the greater part of these articles the author has subjoined comments of his own. These are, it is true, for the most part explanatory or merely by way of reference, but there are not a few which are critical in their nature. Nor should mention be omitted of the various appendices, containing brief historical notes as to the diplomatic acts which form the body of the work, together with their texts and lists of powers which became parties to them.

Excellent mechanically, the volume is very compact in substance, and its inclusiveness coupled with its brevity will make it a very convenient manual. The author's name vouches for its reliability.

A. R. G.

A TREATISE ON FACTS OR THE WEIGHT AND VALUE OF EVIDENCE. By Charles C. Moore. In two volumes. Northport, Long Island: Edward Thompson Company. 1908. pp. clxviii, 73; 730-1612. 8vo.

The successful treatment of the subject "Facts" is peculiarly difficult. It is not only the infinite variety of the forms that facts assume and the vast number of the laws governing things that imperil success. The common opinion that after a moderate experience the average mind is able to deal justly with even the most complex facts is a considerable barrier to the production of a profound treatise on "Facts." It is therefore a matter of congratulation when this comparatively little trodden path is widened and straightened.

The express design of Mr. Moore's treatise is "to facilitate the preparation for trial, the argument, and the decision of questions of fact, by exhibiting what has been said by United States, Canadian, and English judges concerning the causes of trustworthiness and untrustworthiness of evidence, and the rules for determining its probative weight."

This treatise divides into two parts, that containing various bits of information that have proved and may prove useful in the trial of cases; and that concerned with the rules of law more especially applicable to the judgment of facts.

The first division is the more useful and by far the more interesting. For instance, it is the rare lawyer who knows that although a person in the open can tell whether a sound comes from the right hand or the left, he may not be able to tell whether it comes from in front or behind; and yet how valuable would such a bit of information prove in the cross-examination of a witness as to the